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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LELAND V. WIGINGTON, an)	Case No. CV 09-07086 DDP (AJWx)
individual,)	
)	ORDER GRANTING DEFENDANTS' MOTION
Plaintiff,)	TO DISMISS PLAINTIFF'S COMPLAINT
)	AND EXPUNGE NOTICE OF PENDENCY OF
v.)	ACTION
)	
GREEN POINT MORTGAGE)	[Motion filed on October 6, 2009]
FUNDING, INC., INDUSTRY)	
MORTGAGE ASSOCIATES, LLC,)	
COUNTRYWIDE HOME LOANS,)	
INC., OLD REPUBLIC DEFAULT)	
MANAGEMENT SERVICES, a)	
division of OLD REPUBLIC)	
NATIONAL TITLE INSURANCE)	
COMPANY, BANK OF NEW YORK,)	
both individually and as)	
TRUSTEE for MARM 2004-6 and)	
DOES 1-100, inclusive,)	
Defendants.)	

This matter comes before the Court on a Motion to Dismiss filed by Countrywide Home Loans, Inc., Bank of America Home Loans Servicing LP (erroneously named as "Bank of America"), and Bank of New York, and joined by Industry Mortgage Associates, LLC (collectively "Defendants").

Plaintiff Leland V. Wigington ("Plaintiff") filed this suit in

1 Los Angeles Superior Court on May 22, 2009. Defendants timely
2 removed. Plaintiff's complaint alleges causes of action arising
3 under federal law for violations of the Truth in Lending Act
4 ("TILA"), 15 U.S.C. § 1601 et seq., and the Real Estate Settlement
5 Procedures Act ("RESPA"), 26 U.S.C. § 2601 et seq., as well as
6 state law causes of action for fraud in the inducement, negligence,
7 unfair trade practices, unjust enrichment, breach of fiduciary
8 duty, and quiet title. Defendants move to dismiss the complaint
9 and expunge the notice of the pendency of action.

10 Central District of California Local Rule 7-9 requires an
11 opposing party to file an opposition or a statement of non-
12 opposition to any motion at least fourteen days prior to the date
13 designated for the hearing of the motion. C.D. CAL. L.R. 7-9.
14 Local Rule 7-12 provides that "[t]he failure to file any required
15 paper, or the failure to file it within the deadline, may be deemed
16 consent to the granting or denial of the motion." C.D. CAL. L.R. 7-
17 12.

18 The hearing on these Motions was scheduled for November 23,
19 2009. Plaintiff's Opposition or Statement of Non-Opposition was
20 therefore due by November 9, 2009. As of the date of this Order,
21 Plaintiff has not filed any response to Defendant's motion.

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1 The Court deems Plaintiff's failure to oppose the motion
2 consent to granting the motion. Therefore, the Court grants
3 Defendants' motion, dismisses Plaintiff's complaint with prejudice,
4 and expunges the notice of pendency of action.

5 IT IS SO ORDERED.

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8 Dated: November 12, 2009


DEAN D. PREGERSON
United States District Judge